

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MORENO VALLEY UNIFIED SCHOOL
DISTRICT AND PALMDALE SCHOOL
DISTRICT.

OAH CASE NO. 2014110054

ORDER GRANTING REQUEST FOR
CONTINUANCE [NO FURTHER] AND
SETTING PREHEARING
CONFERENCE AND HEARING

On February 10, 2015, the parties filed a joint request to continue the hearing dates in this matter. The reason given was that Student is a ward of the dependency court and is currently undergoing court-ordered evaluations.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. However, no further continuances are contemplated for any reason, including failure to complete court-ordered assessments. This is the second continuance request. This matter raises issues that occurred in 2014, such that the parties will have had more than adequate time to negotiate and/or prepare for hearing given the length of the two continuances that have been granted. This matter will be set as follows:

Mediation:	Held.
Prehearing Conference:	March 27, 2015 at 3:00 PM
Due Process Hearing:	April 7-9, 2015 at 9:30 AM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. [NOTE: The request for hearing on April 10, 2015 is denied, as OAH does not calendar hearings on Fridays.]

IT IS SO ORDERED.

DATE: February 10, 2015

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings